

REMARKS

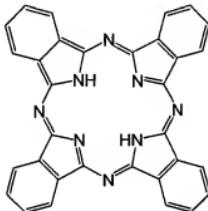
This document is filed in response to the final office action dated July 9, 2008 and the advisory action dated August 5, 2008.

Initially, Applicant appreciate with thanks the telephone interview between the Examiner and his counsel on August 13, 2008. During the interview, the Examiner and Applicant's counsel discussed whether phthalocyanine disclosed in Loutfy is a "polymeric compound." A brief summary of the discussion is provided below.

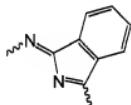
In the final office action, the Examiner rejected claims 1-20 under 35 U.S.C. §103(a) as being obvious over Ou in view of Loutfy, alone or further in view of Hirano, Kan, Phillipps, or Suzuki.

Independent claims 1 and 9 are discussed first. Claims 1 and 9 cover articles containing a photovoltaically active polymeric compound. According to the specification, "the terms ['polymer,' 'organic material,' and 'functional polymer'] are not intended to be subject to any limitation with respect to molecular size, particularly to polymeric and/or oligomeric materials, but instead the use of 'small molecules' is completely feasible as well." See page 2, lines 9-11; emphases added. However, Applicants would like to bring to the Examiner's attention that claims 1 and 9 do not recite any of the terms "polymer," "organic material," and "functional polymer" mentioned above, which can include small molecules according to their definitions in the specification. Instead, claims 1 and 9 recite a polymeric compound, which is not specifically defined in the specification. The ordinary and accustomed meaning of the term "polymeric compound" is a molecule containing a relatively large number of monomeric repeat units. This meaning is consistent with the specification. Further, given that the specification recites both "polymeric materials" and "oligomeric materials," one skilled in the art could readily understand that a polymeric material is different from and has a larger molecular size than an oligomeric material. Indeed, according to Wikipedia, "[i]n chemistry, an oligomer consists of a limited number of monomer units, ... in contrast to a polymer which, at least in principle, consists of an unbounded number of monomers." See <http://en.wikipedia.org/wiki/Oligomer>. An online dictionary also defines the term "oligomer" as a molecule consisting of just a few monomers. See <http://cancerweb.ncl.ac.uk/cgi-bin/omd?query=oligomer>.

During the above-mentioned interview, the Examiner asserted that “phthalocyanine is a polymer, which formed by reacting multiple monomeric units. Applicant determined to amend the claim such that it does not include phthalocyanine.” See the Interview Summary dated August 20, 2008. Applicant respectfully disagrees. As discussed in Applicant’s response filed on July 24, 2008, a phthalocyanine is of the following formula:



It appears to be the Examiner’s position that the monomeric repeat unit in a phthalocyanine is



Even assuming that the Examiner is correct (which Applicant does not concede), a phthalocyanine is a molecule containing only four monomeric repeat units. In other words, it is an oligomeric compound, not a polymeric compound as asserted by the Examiner. Thus, Applicant submits that the phrase “photovoltaically active polymeric compound” recited in claims 1 and 9 does not include phthalocyanine and therefore no further amendment to these two claims is required. Thus, even though Loutfy describes a photovoltaic cell that includes a phthalocyanine in a photoactive layer, it still does not disclose or render obvious articles containing a photovoltaically active polymeric compound, as required by claims 1 and 9. Nor does the other five references cited by the Examiner.

For at least the reasons set forth above, claims 1 and 9 are not obvious over the six cited references. Since each of claims 2-8 and 10-20 depends from claim 1 or 9, these claims are also not obvious over the six cited references.

Accordingly, Applicant requests reconsideration and withdrawal of these obviousness rejections.

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Respectfully submitted,

Date: September 2, 2008

/Tony Zhang/

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